

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

APR 23 2025

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HERIBERTO SALAZAR AMAYA, a.k.a.
"HSA," "Juan," "El Paisa," "Viejo,"
"Heriberto Salazar-Torres," "Gabriel
Gomez-Torres," and "Pedro Gomez-Diaz,"

Defendants.

CRIMINAL NO. 25-879 KC

Count 1: 21 U.S.C. § 846: Conspiracy;

Counts 2, 3, and 9: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi): Distribution of 400 Grams and More of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide); 18 U.S.C. § 2: Aiding and Abetting;

Counts 4 and 6: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi): Distribution of 400 Grams and More of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide);

Counts 5 and 7: 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi): Possession with Intent to Distribute 400 Grams and More of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide);

Count 8: 18 U.S.C. § 924(c)(1)(A)(i): Possessing a Firearm in Furtherance of a Drug Trafficking Crime;

Count 10: 8 U.S.C. §§ 1326(a) and (b): Reentry of a Removed Alien;

Count 11: 8 U.S.C. § 1324a(a)(1)(A): Unlawful Employment of Illegal Alien; and

Count 12: 8 U.S.C. § 1324(a)(1)(A)(v)(I): Conspiracy to Harbor Illegal Aliens.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about July 1, 2024, and continuing to on or about April 23, 2025, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **HERIBERTO SALAZAR AMAYA**, [REDACTED]

[REDACTED] unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. § 841(a)(1), specifically, distribution of a controlled substance.

Controlled Substances Involved in the Conspiracy

With respect to **HERIBERTO SALAZAR AMAYA**, [REDACTED]

[REDACTED] the amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) involved in the conspiracy attributable to each of them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 400 grams and more of a mixture and substance containing a detectable amount of

fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), contrary to 21 U.S.C. § 841(b)(1)(A)(vi).

In violation of 21 U.S.C. § 846.

Count 2

On or about July 24, 2024, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, [REDACTED]

[REDACTED] unlawfully, knowingly and intentionally distributed a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi), and 18 U.S.C. § 2.

Count 3

On or about September 9, 2024, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, [REDACTED]

[REDACTED] unlawfully, knowingly and intentionally distributed a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi), and 18 U.S.C. § 2.

Count 4

On or about November 9, 2024, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, [REDACTED] unlawfully, knowingly and intentionally distributed a controlled substance, and the offense involved 400 grams and more of a mixture

and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi).

Count 5

On or about November 9, 2024, in Lea County, in the District of New Mexico, and elsewhere, the defendant, [REDACTED], unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi).

Count 6

On or about November 11, 2024, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, [REDACTED], unlawfully, knowingly and intentionally distributed a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi).

Count 7

On or about November 13, 2024, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, [REDACTED], unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi).

Count 8

On or about November 13, 2024, in Bernalillo County, in the District of New Mexico, the defendant, [REDACTED], knowingly possessed a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, possession with intent to distribute fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) as charged in Count 7 of this indictment.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

Count 9

On or about April 10, 2025, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, [REDACTED] unlawfully, knowingly and intentionally distributed a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(vi), and 18 U.S.C. § 2.

Count 10

On or about July 1, 2024, through April 23, 2025, the defendant, **HERIBERTO SALAZAR AMAYA**, an alien, knowingly entered, attempted to enter, and was found in the United States, in Bernalillo County, in the District of New Mexico, and elsewhere, contrary to law in that the defendant had been previously deported, excluded, and removed and departed the United States on or about April 2, 2010, and September 8, 2012, while an Order of Exclusion, Deportation and Removal was outstanding, and the defendant had not obtained the express consent of the Secretary for Homeland Security to reapply for admission into the United States.

In violation of 8 U.S.C. §§ 1326(a) and (b).

Count 11

Beginning on a date unknown, but no later than on or about August 1, 2024, and continuing to on or about April 23, 2025, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **HERIBERTO SALAZAR AMAYA**, hired for employment in the United States one alien, knowing that said alien was an unauthorized alien.

In violation of 18 U.S.C. §§ 1324a(a)(1)(A) and (f)(1).

Count 12

Beginning on a date unknown, but no later than on or about August 1, 2024, and continuing to on or about April 23, 2025, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendant, **HERIBERTO SALAZAR AMAYA**, unlawfully, knowingly, and intentionally combined, conspired, confederated, agreed, and acted interdependently with other persons whose names are known and unknown to commit an offense defined in 8 U.S.C. §§ 1324(a)(1)(A)(iii) and (a)(1)(B)(i), specifically, harboring unauthorized aliens.

In violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I).

FORFEITURE ALLEGATIONS

Counts 1, 4, 7, and 8 of this indictment are realleged and incorporated as part of this section for the purpose of alleging forfeiture to the United States pursuant to 21 U.S.C. § 853.

Upon conviction of any offense in violation of 21 U.S.C. §§ 841 or 846, the defendant, [REDACTED] shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of each offense for which the defendant is convicted, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s) of conviction.

The property to be forfeited to the United States includes, but is not limited to, the following:

- a. M&P Bodyguard; Serial Number: KHY4461;
- b. Silver Glock style P80 pistol with a black suppressor; no serial number (“ghost gun”);
- c. AR-15 style Bushmaster XM15-E25; Serial Number: BFI405723;
- d. American Tactical Omni Hybrid; Serial Number: NS177268;
- e. Palmetto PA15 with suppressor; Serial Number: SCD226011; and
- f. Approximately \$71,950.00 in United States currency.

Upon conviction of any offense in violation of 18 U.S.C. § 924(c), the defendant, [REDACTED] shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. M&P Bodyguard; Serial Number: KHY4461;
- b. Silver Glock style P80 pistol with a black suppressor; no serial number (“ghost gun”);
- c. AR-15 style Bushmaster XM15-E25; Serial Number: BFI405723;
- d. American Tactical Omni Hybrid; Serial Number: NS177268; and
- e. Palmetto PA15 with suppressor; Serial Number: SCD226011.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

Assistant United States Attorney